

REMARKS

In the outstanding official action, claims 1, 4, 8, 10-15 and 18 (including all of the independent claims) were rejected under 35 USC 103(a) as being unpatentable over '286 in view of '370, '103 and '364, for the reasons of record. In response to this rejection, it is respectfully submitted that independent claims 1, 8, 11 and 14, as well as the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied references for the reasons detailed below.

At the outset, it is respectfully submitted that the four cited and applied references are directed to such diverse subject matter that one of ordinary skill in the art, absent the benefit of impermissible hindsight derived from the instant disclosure, would not be motivated to combine these references to render the instant invention obvious. More particularly, the references are directed to adaptive liberalization of a power amplifier, phase correction in a radio communication apparatus, a predistorter circuit, and a device for producing a phase and amplitude modulated RF signal. Absent the benefit of impermissible hindsight, it would take undue and impermissible experimentation to derive the instant invention from these diverse references.

Furthermore, in the interest of advancing prosecution, it is respectfully submitted that the cited and applied references, even if assumed to be properly combinable in the manner suggested in the Action, neither show nor suggest the present invention as claimed. Thus, for example, it is admitted in the Action that '286 does not disclose or teach the use of a variable-gain power amplifier or a phase adjustment based on simultaneous gain changes of amplifiers, but it would be obvious to incorporate such features from the secondary references. This position is respectfully traversed, for several reasons.

First, it is noted that '286 clearly teaches the use of a variable gain amplifier (170) with a fixed gain power amplifier (190). Absent the benefit of hindsight, it would not be apparent to one of ordinary skill in the art that it might be advantageous to incorporate a second and more complicated variable-gain amplifier when variable-gain amplification may be controlled by a first amplifier. Furthermore, '286 employs a fixed-gain attenuator (210) operating in conjunction with the fixed gain power amplifier (190), such that replacing the power amplifier with a variable-gain element would require further complicated circuit changes in the attenuator 210 such that the attenuator and amplifier would track. Again, absent the benefit of hindsight there would be no motivation for adding this considerable complexity to the circuit.

Furthermore, although the '370 reference teaches the use of a phase correction unit, again it is respectfully submitted that absent the benefit of hindsight there would be no need to incorporate such additional complexity into the circuit of '286 since that circuit operates properly without such additional complexity.

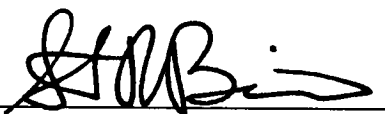
In summary, it is respectfully submitted that, absent the benefit of impermissible hindsight, there is no technical basis or motivation for making the suggested combination of diverse bits and pieces of circuits as presented in the outstanding rejection. Furthermore, even if these references are considered to be properly combinable in the general sense, one of ordinary skill in the art would never arrive at the particular combination of features as suggested in the Action because such combinations have been shown to be unnecessary, unduly complex, and difficult to implement, as discussed above.

In view of the foregoing, it is respectfully submitted that currently-pending claims are clearly patentably distinguishable over the cited and applied references. Accordingly, allowance of the instant application is respectfully submitted to be justified

at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,



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